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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

101.0005 (SHL.0308US)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on January 5, 2009Signature Janice MunozTyped or printed name Janice Munoz

Application Number

10/520,960

Filed

02/03/2006

First Named Inventor

CHRISTIAN KOENIGER ET AL.

Art Unit

2855

Examiner

MIRELLYS JAGAN

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 40,779☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____
SignatureFred G. Pruner, Jr.
Typed or printed name(713) 468-8880
Telephone numberJanuary 5, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Christian Koeniger	§	Art Unit:	2855
Serial No.:	10/520,960	§		
Filed:	February 3, 2006	§	Examiner:	Mirellys Jagan
Title:	Subsea And Landing String Distributed Temperature Sensor System	§ § § § § §	Docket No.	101.0005US/PCT (SHL.0308US)

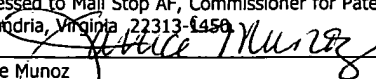
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant seeks pre-appeal review of the § 102 rejections of claims 1-5, 8-10, 17, 28, 30, 31, 36 and 56-59. In a Final Office Action mailed on September 4, 2008, claims 1-5, 8-10, 17, 28, 30, 31, 36 and 56-59 were rejected under 35 U.S.C. § 102(e) as being anticipated by Smith.

In order to anticipate a claim under 35 U.S.C. § 102, a single reference must teach each and every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). In fact, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Furthermore, in order for a reference to be anticipatory, "[its] elements must be arranged as required by the claim." *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990), *cited in* M.P.E.P. § 2131.

Date of Deposit: January 5, 2009
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Janice Munoz

The system of independent claim 1 includes a riser extending from a platform adjacent an ocean surface towards an ocean bottom; a landing string extending within the riser from the platform towards the ocean bottom; and a line extending along at least a part of a length of the landing string and including a distributed sensor system for sensing a parameter at various points along the length of the landing string.

Applicant respectfully submits that the Examiner errs in the § 102 rejection of claim 1, as Smith fails to disclose all of the limitations of this claim.

For example, the system of claim 1 includes a riser and a landing string, which extends within the riser from a platform adjacent an ocean surface towards the ocean bottom. The Final Office Action labels Smith's production tubing 8 as the landing string of claim 1. Final Office Action, p. 2. However, Applicant respectfully submits that the production tubing 8 does not extend within a riser from a platform adjacent an ocean surface towards the ocean bottom. In this regard, Smith states, "the upper end of the production tubing 8 is terminated and retained in a wellhead 9." Smith, 5:54-55. *See also, for example*, Fig. 1 of Smith, which discloses a single well and in Fig. 2, which discloses a field of two wells. Thus, Smith's production tubing 8 does not extend within a riser from a platform adjacent an ocean surface towards the ocean bottom.

Smith states that for purposes of installing the production tubing 8, the tubing 8 may be deployed from a surface rig. Smith, 5:45-47. Even assuming, for purposes of argument, that the production tubing 8 is considered to be the "landing string" of claim 1 when the tubing 8 is deployed from the rig, Smith fails to disclose a line that extends along at least part of a length of the tubing 8, which includes a distributed sensor system. More specifically, Smith discloses a tubing string 11 that may be attached to the production tubing 8 (Smith, 6:1-4), and Smith discloses that an optical fiber may ultimately be installed in the tubing string 11 (Smith, 7:37-47). However, Smith fails to disclose that the optical fiber is present in the tubing 11 as the production tubing 8 is deployed from the surface rig. In this regard, Smith discloses pumping the optical fiber into place through the use of a silicon gel or other fluid (Smith, 7:37-47) but fails to disclose that the optical fiber is installed with the tubing string 11. Therefore, even assuming, for purposes of argument, that the production tubing 8 may be considered a "landing string" when the tubing 8 is being deployed, Smith fails to disclose a line extending along at least part of a length of the landing string, which includes a distributed sensor system. Thus, for at least the reason that Smith fails to disclose a landing string extending within a riser from a platform

towards the ocean bottom and a line extending along at least part of a length of the landing string and including a distributed sensor system, Smith fails to anticipate claim 1.

Smith fails to anticipate claim 1 for at least the additional, independent reason that Smith fails to disclose the riser of claim 1. In this regard, claim 1 recites that the landing string extends within a riser, which extends from a platform adjacent an ocean surface toward the ocean bottom. Although column 5 of Smith discusses a riser in connection with drilling, this discussion fails to disclose a riser in which a landing string extends, as set forth in claim 1.

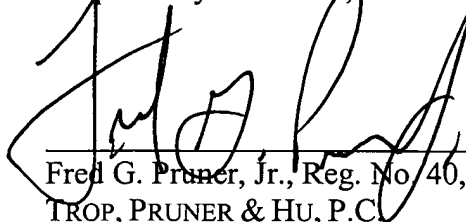
Therefore, for at least any of the foregoing reasons, Applicant requests withdrawal of the § 102 rejection of claim 1.

Independent claim 28 overcomes the § 102 rejection for similar reasons. In this regard; the method of claim 28 recites deploying a landing string within a riser, where the landing string and riser extend from a platform on the ocean surface towards an ocean bottom; and deploying a line along at least part of a length of the landing string, where this line includes a distributed sensor system. For at least the reasons that are set forth above, Smith fails to disclose at least the acts of deploying a landing string and deploying a line, as set forth in claim 28. Therefore, Applicant respectfully requests withdrawal of the § 102 rejection of this claim.

Dependent claims 2-5, 8-10, 17, 30, 31, 36 and 56-59 are patentable for at least the same reasons as the claims from which they depend.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (SHL.0308US).

Respectfully submitted,



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